IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Original Jurisdiction

Dated: Nainital the 9th day of October, ,2002

Criminal Misc. Bail Application Number 1076 of 2002

Order on the Bail Application

CRIMINAL SIDE

Abdul Ghaffar son of Sri Ghulam Rasool, resident of village Baggha, 54, P.S. Khatima, District Udham Singh Nagar

…… Applicant(s)

Versus

State of Uttaranchal. …….. Opposite Party.

Arising out of- Case crime no 739 of 2001,
Under Section 302 of IPC,
P.S. Khatima,
District Udham Singh Nagar

By the Court

Hon'ble Irshad Hussain, J.

Heard learned counsel for the applicant and the learned 1 Government Advocate.

Applicant-accused has wielded a gun in fatally assaulting the victim.

The main argument was that as against the two shots fired fired, three firearm injuries have been shown in the postmortem report. One of the shots was fired on the forehead and at this stage injuries nos. 1 and 2 can be attributed to the first fire. Considering the totality of circumstances of the case, in my opinion it is not a fit case for bail.

Rejected.

(Irshad Hussain, J.)

09.10.02./B.